

This record is a partial extract of the original cable. The full text of the original cable is not available.

C O N F I D E N T I A L MANILA 000286

SIPDIS

DEPT FOR EAP, EAP/PMBS, AND PM
NSC FOR GREEN

E.O. 12958: DECL: 01/18/2013

TAGS: [MOPS](#) [MARR](#) [PREL](#) [PTER](#) [PINS](#) [RP](#)

SUBJECT: AFP/DND TALKS PRODUCE PROGRESS ON COUNTERTERRORISM
SCENARIOS

Classified By: Political Officer Paul O'Friel
for reasons 1.4(b) and (d).

1. (C) SUMMARY. USPACOM's January 12-14 working level meetings with Department of National Defense (DND) and Armed Forces of the Philippines (AFP) counterparts succeeded in developing a range of enhanced US-GRP counterterrorism scenarios that should set the stage for further in-depth discussions. The talks were a direct result of Secretary of National Defense Cruz's earlier discussions with Admiral Fargo. The DND, which appears to be out in front of the AFP on this issue, recognizes it must do more in terms of public communications strategy. END SUMMARY.

LEGAL COUNSELS: VFA COVERS PROPOSED ENHANCED COOPERATION

2. (C) In follow up to Secretary of National Defense Cruz's December 13, 2004 talks with Admiral Fargo, USPACOM and AFP/DND counterparts held staff discussions January 12-14 to develop a clear set of maritime and land scenarios covering the range of options for U.S. counterterrorism assistance. According to the interpretation of the DND legal staff, the Visiting Forces Agreement will cover the RP-U.S. counterterrorism cooperation envisaged in the scenarios. Attorney Norman Daanoy, Chief of the DND's Office of Legal Affairs, in a January 13 legal brief to Secretary Cruz, argued that, while prohibited from engaging in combat except in self-defense, U.S. forces in the Philippines could engage in a range of "combat-related activities," to include providing intelligence, surveillance, and reconnaissance support to the AFP.

3. (C) Attorney Jose Pascual, Secretary Cruz's Legal Counsel, seconded this view in talks with U.S. counterparts, noting the Philippine Supreme Court (Lim vs. Executive Secretary, 380 SCRA 742) explicitly "authorized" U.S. forces

SIPDIS

to assist, advise, and train GRP counterparts. "What we are now trying to do," he said, "is push the envelope in respect to combat-related activities." Pascual, who previously worked for Cruz as a member of the Malacanang legal staff, noted, however, any proposed activity should fall under "the rubric of exercise" because of the difficulty the word "operation" posed for the Filipino side.

AFP NEEDS REASSURANCE, BUT WORKS THROUGH SCENARIOS

4. (C) AFP participants repeatedly sought clarity from Daanoy and Pascual as to the legal definition of "combat-related activities." Once the AFP staff understood the concept, they developed a range of realistic scenarios that should set the stage for further in-depth discussions set for February 2005.

5. (C) In talks with USPACOM Counterterrorism Branch Head CAPT Daniel Prince on the margins of the January 12-14 meetings, Colonel Charlie Holganza, Cruz's senior military advisor, cautioned it was important to proceed carefully. "We need U.S. assistance, but we can't move too fast for our own good," Holganza said, noting that his government was focused on eliminating Jemaah Islamiyah (JI) terrorists but also needed to preserve the peace process with the Moro Islamic Liberation Front (MILF). He commented that "We have to target terrorists in places where we can ensure there is no big backlash."

6. (C) Holganza also emphasized the Philippine side had to ensure it had a legal framework in place to support the scenarios. DND staff separately said they recognized the need to build backing for the initiative, and planned to launch a public communications effort entitled "Freedom from Fear" that would demonstrate the benefits of enhanced U.S.-RP counterterrorism cooperation.

7. (C) COMMENT: Cruz clearly has already focused his staff on exploring ways to broaden counterterrorism cooperation with the United States within the perceived limits of the Philippine constitution. However, it was also apparent from the initial reluctance of the AFP to engage in discussions

that the DND needs to devote further effort to its communications strategy to build the necessary support -- both internal and external -- for enhanced US-RP counterterrorism cooperation. While encouraged by Secretary Cruz's forward leaning stance on this issue, we believe continued progress will require careful, patient engagement with our GRP counterparts.

Ricciardone